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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,244	04/03/2001	Alain Bethune	05725.0875-00	8888

22852 7590 05/06/2003

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WASHINGTON, DC 20005

EXAMINER

SPERTY, ARDEN B

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 05/06/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,244

Applicant(s)

BETHUNE ET AL.

Examiner

Arden B. Sperty

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## FINAL REJECTION

### *Election/Restrictions*

1. The restriction of claims 14-15 in Paper No. 7 is withdrawn. Claims 1-15 have been examined on their merits. The restriction of claims 16-21 still stands. Claims 22-24 are dependent upon non-elected claims, therefore no indication of allowability has been made since the claims have not been examined on their merits.

### *Claim Rejections - 35 USC § 112*

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear where the second metallic coating is in relation to the first metallic coating. Is the second metallic layer deposited on the first metallic layer? Is the second metallic layer deposited on the molded base itself in an area where there is no first metallic layer? It is unclear what is meant by the "region corresponding to the decorative pattern." Is the second metallic layer formed on the decorative pattern or around the decorative pattern?

Claim 2 is unclear because it does not include a positive recitation. It is not clear if the molded material is actually coated, only that the molded material is capable of being metallically coated. If Applicant wishes to claim that a coating is deposited by a particular method the claim should be drafted accordingly.

Claim 3 is indefinite because it is unclear what is meant by "zamak." While the examiner is appreciative of the definition provided, there is no definition of the term "zamak" in the specification and it is not found in the prior art. Is the term a trademark? Is it spelled correctly ("k" generally stands for potassium, not copper)? It is suggested that the term be deleted from the claim.

***Claim Rejections - 35 USC § 102***

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,505,320 to Burns et al.

Regarding claim 1, the Burns reference discloses a support having a first metallic coating of n=2 layers, designated 2 and 3, and a second metallic coating of n=1 layer, designated 4, wherein the outer metallic layer (3) of the first metallic coating is Cu and has a color and appearance differing from that of the outer metallic layer of the second metallic coating of Cr (col 3, line 22- col 4, line 18). As shown in Figure 5, the first metallic coating delimits a decorative pattern and the second metallic coating corresponds to the decorative pattern.

Regarding claim 2, USPN 4,971,188 to Deters is cited to show that plastics similar to those disclosed by Burns may be metallurgically coated by a galvanoplasty process (col 2, lines 8-10 and 45-48). Galvanoplasty is a type of electrodeposition, therefore the limitations of the claim are met; however, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. Since the product in the product-by-process claim is the same as the product of the prior art, the claim is unpatentable regardless of the process used to make the prior art.

Regarding claim 3, the Burns reference discloses the object according to claim 1 wherein the support is a polyester (col 2, line 64).

*Allowable Subject Matter*

4. Claims 4-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

5. Applicant's arguments with respect to claims 1-13 have been considered but are not persuasive.

Regarding claim 1, Applicant's response to the 35 USC 102(b) rejection over Burns seems to be based on an object having the claimed layers as the final/outermost layers, but this is not apparent from the claim. Applicant's "comprising" language allows for the addition of numerous other layers. The claim does not require the layers to be the final layers, only that they be on the outer surface of the base member.

The 35 USC 103(a) rejection of claims 1-2 and 4-13 over Royer have been overcome by amendment to claim 1. Applicant's arguments have not been considered fully because the examiner is unclear as to the structure of claim 1 (see 35 USC 112 rejection of claim 1 above).

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arden B. Sperty whose telephone number is 703-305-3143. The examiner can normally be reached on M-R, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 703-308-3822. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*ABSperry*

abs

May 4, 2003

*Deborah Jones*

DEBORAH JONES  
SUPERVISORY PATENT EXAMINER